

ADOT Agreement File No.: JPA 04-105  
**AMENDMENT No. I**  
AG Contract No.: KR04-1512TRN  
TRACS: H6348 0 1C  
Project No.: TEA 010-E(008)A  
Section: 6<sup>th</sup> Avenue & I10  
Budget Source Item No.: 21606

**AMENDMENT No. I  
INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND  
CITY OF TUCSON

**AMENDMENT No. I. JPA 04-105** is entered into this date of October 20<sup>th</sup> 2006, approved by the Attorney General's Office December 29<sup>th</sup>, 2004, KR 04-1512TRN, filed with the Secretary of State, March 28<sup>th</sup>, 2005, File No. 27433, pursuant to Arizona Revised Statutes, 28-401 & 48-572, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF TUCSON, acting by and through its MAYOR and CITY COUNCIL, (the "City").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this Agreement and has by resolution a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

3. Congress has authorized appropriations for, but not limited to, the twelve eligible transportation enhancement provisions.

**THE PARTIES HERETO AGREE TO AMEND THE FOLLOWING LANGUAGE TO AGREEMENT 04-105:**  
Add, Recital 5., to Section I. and paragraphs 1.h & 2.h Under Scope of Work, Section II.

5. The State and FHWA have agreed to the appropriation of \$106,650.00 of the \$345,000.00 Federal capped funds for the production of the artwork which will be attached to the fence and the parapet wall along 6<sup>th</sup> Avenue and the I-10 Bridge. The City will be responsible for all costs exceeding \$106,650.00, related to the production of the art work.

NO. 27433  
Filed with the Secretary of State  
Date Filed: 10/20/06  
James K. Bennett  
Secretary of State  
By: [Signature]

**EXHIBIT A TO RESOLUTION NO. 20436  
CITY OF TUCSON CONTRACT # 0429-05**

**II. SCOPE OF WORK**

## 1. The State Will

Paragraph 1.h. shall be added to the following language:

h. Invoice the City, for costs exceeding \$106,650.00, for the production of the artwork--steel columns and panels and parapet tile relating to the fence along 6th Avenue and the I-10 Bridge.

## 2. The City Will:

Paragraph 2.h. shall be added to the following language:

h. Be responsible for additional costs that exceed \$106,650.00 relating to the production artwork of the fence along 6th Avenue and the I-10 Bridge and remit payment to the State upon receipt of an invoice from the State.

**EXCEPT AS AMENDED HEREIN, all other terms and conditions of the original Agreement shall remain in force and effect.**

All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

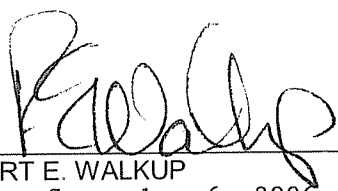
Arizona Department of Transportation  
Joint Project Administration  
205 South 17th Avenue, Mail Drop 616E  
Phoenix, AZ. 85007 FAX (602) 712-7424

Engineering Division  
Andrew McGovern  
P.O. Box 27210  
Tucson, AZ 85726-7210

**IN WITNESS WHEREOF**, the parties have executed this Agreement the day and year first above written

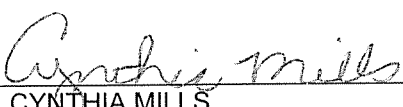
**THE CITY OF TUCSON**

By

  
ROBERT E. WALKUP  
Mayor September 6, 2006**STATE OF ARIZONA**


Department of Transportation

By

  
CYNTHIA MILLS  
JPA Administrator

ATTEST:

By

  
KATHLEEN S. DETRICK  
Tucson City Clerk September 6, 2006

ADOPTED BY THE  
MAYOR AND COUNCIL

September 6, 2006

RESOLUTION NO. 20436

RELATING TO INTERGOVERNMENTAL AGREEMENTS; AUTHORIZING AND APPROVING THE EXECUTION OF AMENDMENT NO. 1 TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF TUCSON, AND SOUTH TUCSON AND THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF THE APPROACH SIDEWALKS ON SIXTH AVENUE SOUTH OF THE I-10 BRIDGE FOLLOWING COMPLETION OF STATE-FUNDED IMPROVEMENTS; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:


Section 1. Amendment No. 1 to the Intergovernmental Agreement between the City of Tucson and South Tucson and the Arizona Department of Transportation for maintenance of the approach sidewalks on Sixth Avenue south of the I-10 bridge following completion of state-funded improvements, which is attached to this resolution as Exhibit A, is hereby authorized and approved.

Section 2. The Mayor is hereby authorized and directed to execute, and the City Clerk is hereby authorized and directed to attest to, any and all documents necessary to effectuate the above-contemplated transaction for and on behalf of the City of Tucson.

Section 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution.

Section 4. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this resolution become immediately effective, an emergency is hereby declared to exist and this resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL  
OF THE CITY OF TUCSON, ARIZONA, September 6, 2006.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

REVIEWED BY:

  
\_\_\_\_\_  
CITY MANAGER

  
EU/me  
08/22/2006 10:37 AM

*Certificate of Clerk*  
● *City of Tucson* ●

*State of Arizona*  
*County of Pima* } *ss*

I, Kathleen S. Detrick, the duly appointed and qualified City Clerk of the City of Tucson, Arizona, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20436 which was passed and adopted by the Mayor and Council of the City of Tucson, Arizona, at a meeting held on September 6, 2006 at which a quorum was present.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of the City of Tucson, Arizona on September 18, 2006.

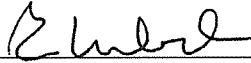
Total of 2 pages  
(Exhibit A to Resolution No. 20436 not included)


*Kathleen S. Detrick*  
\_\_\_\_\_  
*for* City Clerk

APPROVAL OF THE CITY OF TUCSON

I have reviewed the above referenced proposed Intergovernmental Agreement, between the DEPARTMENT OF TRANSPORTATION, TRANSPORTATION PLANNING DIVISION, and THE CITY OF TUCSON and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 22nd day of Aug, 2006

  
City Attorney

<p>TERRY GODDARD Attorney General</p>	<p> <b>OFFICE OF THE ATTORNEY GENERAL</b> STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8859 Facsimile: 602.542.3646 E-mail: Jeffrey.Murray@azag.gov</p>
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**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR04-1512TRN (**JPA 04-105, Amendment No. I**), an Agreement between public agencies, i.e., The State of Arizona and City of Tucson, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED:      October 11, 2006

TERRY GODDARD  
Attorney General

  
\_\_\_\_\_  
JEFFREY T. MURRAY  
Assistant Attorney General  
Transportation Section

JTM:mjf:982377  
Attachment